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January 5, 2005

Honorable John Gleeson
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Attiya Harris, et al., v. Stacey D. Ware
Index No: 04 CV 1120
NETS No: 04NY00806

Your Honor:

This office represents defendant Stacey Ware, with respect to the above-referenced litigation. On November 23, 2004, a Pre-motion Conference was held before the Court after letter application by this office. A motion schedule was set at the conference, which required the initial papers to be delivered by January 7, 2005. Opposition papers were designated for January 21, 2005, and reply papers were scheduled for January 28, 2005. The matter was scheduled for oral argument before the Court on February 4, 2005, at 9:30 a.m.

During efforts by this office to complete the initial motion papers, it became apparent that certain materials were required from the State of Delaware, due to the fact that the situs of the accident was Delaware, and certain witnesses and documents were located in the State of Delaware. Portions of the needed material in support of the motion remain outstanding.

At this juncture, and with the consent of counsel for plaintiff, this office is respectfully requesting an adjournment of the due dates. We would be grateful if the Court would reset the motion schedule for submission of initial papers by February 4, 2005, submission of opposition papers by February 18, 2005, submission of reply papers by February 25, 2005, and oral argument before the Court on March 4, 2005. No prior application for rescheduling of the motion due dates has been made.

Honorable John Gleeson
United States District Judge
January 5, 2005
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We are grateful for the Court's consideration for this regard. Should the Court require any additional information, please do not hesitate to contact the undersigned.

Very truly yours,

McDONALD, CARROLL, COHEN & RAYHILL

By: _____
Robert F. McCarthy (RM-9676)

RFM/rmb

cc: Sanford L. Pirotin, PC
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